

R E M A R K S

The office action of August 30, 2007, has been reviewed and its contents carefully noted. Reconsideration of this case, as amended, is requested. Claims 1-6, 9, and 13-18 remain in this case, claims 7-8 and 10-12 being cancelled by this response. Claims 14-18 have been withdrawn from consideration as a result of a restriction requirement.

Interview Summary

Applicants thank the Examiner for the interview of November 13, 2007. At that interview, the Frankenbach et. al reference was discussed, as well as possible ways to overcome the rejection.

Preliminary Comments

The numbered paragraphs below correspond to the numbered paragraphs in the Office Action.

The claims were amended as follows. No new matter was introduced. Specifically:

- a. Claim 1 was amended to simplify the clauses ("one or more alcohols" amended to --alcohol--, "one or more acids" to --acid--, "one or more surfactants" to --surfactant--).
- b. The percentages from claims 2, 4, 10 and 12 were incorporated into claim parts 1(a), 1(c), 1(b) and 1(e), respectively, and the corresponding wording or claims were canceled from the dependent claims.
- c. The wording "an effective amount of one or more acids to lower and maintain the pH " in claim 1(d) was amended to --acid in an amount sufficient to lower and maintain the pH-- to clarify the claim and address the section 112 rejection of dependent claim 5 (see below).

- d. The deodorizer of claim 11 was incorporated into claim 1(c), replacing the "fragrance".
- e. The dependency of claims 3, 4, 5, 6, 9 and 13 was corrected.
- f. Duplicative wording was canceled from several dependent claims to improve clarity, where the wording was present in the claims upon which they depended.

Rejection(s) under 35 U.S.C. §112

3. Claims 1-13 were rejected under 35 USC 112, first paragraph, as not being enabling for any quantity of the components.

Claim 1 has been amended to incorporate the percentages from the dependent claims, as suggested by the Examiner. No new matter has been introduced, and these percentages were present in the application as filed.

Reconsideration and withdrawal of the rejection is respectfully requested.

5. Claims 5-13 were rejected under 35 USC 112, second paragraph, as being indefinite.
Specifically:

- a. Claim 5 was rejected as confusing, based on the phrase "said effective amount of one or more acids are selected..."

This claim has been amended to read, "The composition of claim 1 in which the acid is selected from the group consisting of...", as suggested by the Examiner.

- b. Claim 8 was rejected, but as this claim is now canceled, the rejection is moot.
- c. Claim 11 was rejected for a lack of antecedent basis, and as confusing as to whether the component is optional or required and as to what is being claimed.

This claim has been canceled, and the subject matter of this claim and claim 12 has been moved into claim 1(c), so as to make it required. The wording of the claims was changed slightly

when incorporated into claim 1(c), so as to clarify that what is being claimed is a malodor-eliminating compound having certain characteristics. The wording is consistent with claim 11 as filed and is supported by the last paragraph of page 12 through the first paragraph of page 13, which also gives an example of such a compound by trademark as ORDENONE.

d. Claim 13 was rejected for lack of antecedent basis in the phrase "the addition of one or more" and as unclear as to what the applicant was trying to claim.

The wording cited by the Examiner has been removed from the claim, and the claim has been simplified by removing functional language and adding the phrase "further comprising". As amended, the claim now reads:

13. The composition of claim 1, further comprising a quaternary ammonium compound that dries to a non-tacky solid, in a range of 0.001% to 2%.

Applicant believes that these amendments have fully addressed the Examiner's rejections, and the claims are now in condition for allowance. Reconsideration and withdrawal of the rejection are respectfully requested.

Rejection(s) under 35 U.S.C. §103

7. Claims 1-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Frankенbach, et al, US Patent 6,495,058.

Applicant respectfully disagrees, and believes the claims, as amended, are patentable over Frankенbach, et al.

Claim 1 has been amended to add the component "a malodor-eliminating compound having the form of a semi-rigid, concave molecular structure complex that synergistically combines numerous active ingredients for chemically modifying malodorous compounds."

While Frankенbach does recite the use of "an effective amount to absorb malodor of an odor control agent", the only such agents taught by Frankенbach are cyclodextrin, polyols, metal salts, soluble carbonate and/or bicarbonate salts, enzymes, zeolites, activated carbons, and mixtures thereof.

Frankenbach fails to teach or suggest the specific odor control agent claimed in claim 1, as amended - specifically, "a malodor-eliminating compound having the form of a semi-rigid, concave molecular structure complex that synergistically combines numerous active ingredients for chemically modifying malodorous compounds". Of the malodor control agents taught by Frankenbach, the only one in which a structure is discussed is cyclodextrin, which is described as "a rigid, conical molecular structures with hollow interiors of specific volumes." In contrast, the compound specified by the Applicants has a *semi-rigid, concave structure*.

Reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

Applicant believes the claims, as amended, are patentable over the prior art, and that this case is now in condition for allowance of all claims therein. Such action is thus respectfully requested. If the Examiner disagrees, or believes for any other reason that direct contact with Applicants' attorney would advance the prosecution of the case to finality, he is invited to telephone the undersigned at the number given below.

"Recognizing that Internet communications are not secured, I hereby authorize the PTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file."

Respectfully Submitted:

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Dated: December 28, 2007

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Daniel Gwilliam